

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re:)	
)	Case No. 3:19-bk-1971
CAPSTONE PEDIATRICS, PLLC,)	
)	Chapter 11
Debtor.)	
)	
)	
CDS BUSINESS SERVICES, INC. d/b/a)	
NEWTEK BUSINESS CREDIT,)	
)	
Plaintiff,)	
)	
v.)	Adv. Proc. No. 3:20-ap-90140
)	
)	
AMERICA CARES TRUST (ACT) d/b/a)	
CARENATION)	
)	
Defendant.)	

MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT

CDS Business Services, Inc. d/b/a Newtek Business Credit (the “Plaintiff”), by and through undersigned counsel, hereby moves for entry of a default against Defendant America Cares Trust (ACT) d/b/a CareNation (the “Defendant”), pursuant to Fed. R. Civ. P. 55(a), made applicable by Fed. R. Bankr. P. 7055. In support of this Motion, the Plaintiff states as follows:¹

1. On September 23, 2021, service of the Amended and Supplemental Complaint was made on the Defendant by serving it via United States First Class Mail, as follows:

¹ All capitalized terms not assigned a definition herein shall have the definition given them in the Complaint.

America Cares Trust d/b/a CareNation
c/o Michael Gaw, Registered Agent
5655 Granny White Pike
Brentwood, TN 37027

America Cares Trust d/b/a CareNation
10 Eldad Road
Fayetteville, TN 37334

America Cares Trust d/b/a CareNation
Attn: Michael Gaw
4117 Hillsboro Pike, Suite 103
Nashville, TN 37215

2. The deadline to respond to the Amended and Supplemental Complaint was October 7, 2021.

3. As reflected in the Court's records as of the date of this Motion, the Defendant has not filed an answer or other responsive pleading within 14 days of the Amended and Supplemental Complaint, as required per the Court's Order Granting Amended Order Regarding Motion to File Amended and Supplemental Complaint [Doc. 86] and Fed. R. Bankr. P. 7015, and Fed. R. Civ. P. 15(a)(3).

4. The Defendant is a corporation and is not, therefore, an incompetent or an infant.

5. The Defendant is a corporation and is not, therefore, serving in military service.

6. The Plaintiff further relies upon the Affidavit of Daniel H. Puryear attached hereto as Exhibit A.

Dated: October 12, 2021

Respectfully submitted,

/s/ Daniel H. Puryear

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*Counsel for CDS Business Services, Inc.
d/b/a Newtek Business Credit*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via the Court's electronic filing system upon all parties having entered appearances therein, and via United States mail, postage prepaid, upon the following, this the 12th day of October, 2021:

America Cares Trust d/b/a CareNation
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America Cares Trust d/b/a CareNation
Attn: Michael Gaw
4117 Hillsboro Pike, Suite 103
Nashville, TN 37215

America Cares Trust d/b/a CareNation
P.O. Box 2029
Brentwood, TN 37024-2029

/s/ Daniel H. Puryear

Daniel H. Puryear